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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,995

01/04/2005

Claudio Zampieri

2004-2041A

5119

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7590

03/28/2008

WENDEROTH, LIND & PONACK, L.L.P.

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WASHINGTON, DC 20006-1021

EXAMINER

AVERY, BRIDGET D

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

03/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,995	Applicant(s) ZAMPIERI ET AL.	
	Examiner BRIDGET AVERY	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/04/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 16-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonaventure (US Patent 6,233,848) Figures 12, 13 and 16 in view of Bonaventure ('848) Figures 2 and 8-11.

Bonaventure teaches a structure of a footwear for roller skates or ice skates including a soft upper (420), an insole (421, 422) made of a substantially rigid material and at least partially contained within the soft upper (420), as shown in Fig. 16, a rigid support (330) provided with a plate from which a pair of arms extend upwards to embrace and support at least laterally the upper (420), the footwear being adapted to be associated to a frame (40) which supports means for resting and gliding or rolling on the ground, characterized in that the ends of the plate are open and free of vertical walls (as shown in Figure 8), the ends having a transverse extension corresponding approximately to the transverse extension of said frame (40). RE claim 17 the insole is wholly contained within the soft upper (420). Re claim 18, the footwear is associable to the frame (40) in correspondence of the lower surface of the plate. RE claim 19 the plate substantially extends from the zone of the heel to the zone of the toe and has a transverse extension corresponding approximately to the transverse extension of the

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surface of the frame (40) facing said plate and adapted to be coupled thereto. Re claim 20, the insole (421, 422), the soft upper (420) and the plate are connected both with each other and the frame (40) in correspondence of the toe and heel zones with the help of removable connection means located approximately in correspondence of the longitudinal median axis of the plate (see Figure 30). RE claim 21, the pair of side arms (332) are an integral part of the rigid support. RE claims 22 and 30-34, the footwear further includes a cuff (213) pivotally associated to the side arms (212) of said rigid support. RE claims 23 and 35, the pair of side arms (332) are an integral part of a cuff pivotally associated to the rigid support in correspondence of a pair of brackets belonging to said plate. RE claim 24, the plate extends at least in the zone of the plantar arch. RE claim 25, the plate is attached to the rigid insole (421, 422) in correspondence of the zone of the plantar arch. RE claim 27, the plate is connected to the frame in correspondence of recessed seats (clearly shown in Figure 3) situated between and adjacent to resting surfaces provided on said frame (40) for the heel and toe portions of the foot, respectively. RE claim 28, the upper is connected to the frame (40) in correspondence of the resting surfaces. RE claim 29, the plate extends underneath the upper (420) to essentially cover the plantar arch zone of the foot (as shown in Figure 11). RE claim 26, it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. In this case, the rigid support and the frame are fastened together.

Based on the teachings of Bonaventure, it would have been obvious to one having ordinary skill in the art, to combine the teachings of Bonaventure (Figures 12, 13

and 16) with the teachings of Bonaventure (Figures 2 and 8-11) to guarantee a certain fixedness of the liner with respect to the frame and to change the appearance of the footwear, as suggested in col. 2, lines 37-47.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borel shows a skate, especially an in-line roller skate, for "aggressive" skating.

Chiu et al. shows an in line skate construction.

Grande et al. shows a ventilated in-line skate.

Fink shows a shoe insole.

Cabanis et al. shows a method for assembling boot components to a chassis of a sports article and the boot/chassis thus assembled.

Cabanis et al. shows a sports boot with a mobile collar.

Paquet shows insoles for skate boots.

Ahlbäumer shows a shoe, in particular sport shoe or orthopaedic stocking with ankle stabilization.

Meibock et al. shows an in-line roller skate.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIDGET AVERY whose telephone number is

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(571)272-6691. The examiner can normally be reached on Monday, Tuesday and Thursday from 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis, can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617

/Bridget Avery/

Examiner, Art Unit 3618